

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND
(Southern Division)**

MICHELLE BYERS

*

Plaintiff

*

v.

*

Case No.: _____

PV HOLDING CORP., *ET AL.*

*

Defendants

*

* * * * *

**DEFENDANTS PV HOLDING CORP., AVIS BUDGET GROUP, INC.,
AND AVIS BUDGET CAR RENTAL, LLC'S NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendants PV Holding Corp., Defendant Avis Budget Group, Inc., Defendant Avis Budget Car Rental, LLC (hereinafter referred to collectively as “Defendants”), by FERGUSON, SCHETELICH & BALLEW, P.A., Peter J. Basile, their attorneys, respectfully file this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, to remove to the United States District Court for the District of Maryland an action initiated against Defendants and against one other Defendant, Steven A. Meyers (hereinafter “Defendant Meyers”), in the Circuit Court of Maryland for Prince George’s County. As grounds for removal, Defendants state as follows:

1. On August 16, 2022, Plaintiff Michelle Byers commenced a civil action against Defendants and Defendant Meyers in the Circuit Court of Maryland for Prince George’s County, Case No. CAL22-25375 (hereinafter, “State Court Action”).¹

¹ In accordance with 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders received by counsel for the Defendant in the State Court Action are being filed as attachments to this Notice of Removal and are incorporated herein by reference.

2. Plaintiff has set forth claims of respondeat superior against Defendant PV Holding Corp., negligent entrustment claims against Defendants and a claim of negligence against Defendant Meyers.

3. This Notice of Removal is timely as it is filed within thirty (30) days after the last Defendant served: PV Holding Corp. was properly served through its resident agent on August 25, 2022. 28 U.S.C. § 1446(b)(2). Furthermore, it is being filed within thirty (30) days of the first Defendant served: Avis Budget Group, Inc., was served on August 19, 2022.² There is no indication in the record that Defendant Meyers was served.

4. The United States District Court for Maryland, Southern Division, is the federal district and division embracing Prince George's County, Maryland, where the State Court Action was originally filed. 28 U.S.C. § 100(1). Thus, Defendants' Joint Notice of Removal is properly filed in this District and Division. 28 U.S.C. § 1441(a).

BASIS FOR REMOVAL – DIVERSITY JURISDICTION

6. The State Court Action is removable under 28 U.S.C. § 1332(a). The Court has subject matter jurisdiction over the State Court Action because it is between citizens of different states, the amount in controversy exceeds \$75,000.00, and the case arises under the laws of the United States. 28 U.S.C. § 1332(a).

7. Upon information and belief, and according to the Complaint, Plaintiff is a resident of the State of Maryland. *See* Complaint Caption.

8. Defendant PV Holding Corp. is a corporation incorporated under the laws of the State of Delaware and has its principal place of business in the Commonwealth of Virginia. A

² August 18, 2022, was a Sunday.

corporation “is deemed a citizen of any state in which it is incorporated or has its principal place of business.” 28 U.S.C. § 1332(c).

9. Defendant Avis Budget Group, Inc., is a corporation incorporated under the laws of the State of Delaware and has its principal place of business in the State of New Jersey. A corporation “is deemed a citizen of any state in which it is incorporated or has its principal place of business.” 28 U.S.C. § 1332(c).

10. Defendant Avis Budget Car Rental, LLC, is a limited liability company organized under the laws of the State of Delaware, and upon information and belief, the sole member of the entity is Avis Budget Holdings, LLC. Avis Budget Holdings, LLC, in turn, is a limited liability company organized under the laws of the State of Delaware, and upon information and belief, the sole member of the entity is Avis Budget Group, Inc. “An LLC’s citizenship is based on the citizenship of its members.” *Oak Plaza, LLC v. Buckingham*, No. CV DKC 22-0231, 2022 WL 1591404 (D. Md. May 19, 2022) (citing *Americold Realty Trust v. Conagra Foods, Inc.*, 577 U.S. 378, 382 (2016)). As aforementioned, Avis Budget Group, Inc. is a corporation incorporated under the laws of the State of Delaware and has its principal place of business in the State of New Jersey.

11. The address provided in the Complaint for Defendant Steven A. Meyers is in the State of Vermont.

12. As such, the Defendants in this matter are not citizens of the State of Maryland, and diversity exists.

13. Plaintiffs’ Complaint requests judgment against Defendants in an amount in excess of \$75,000.00. *See* Complaint’s ad damnum clause at p. 4, 5, 6, and 7. Thus, the amount in controversy requirement specified in 28 U.S.C. § 1332(a) is satisfied.

14. In accordance with 28 U.S.C. § 1446(d), prompt written notice of the filing of this

Notice of Removal is being given to all parties, and a true and correct copy of the Notice of Removal is being filed with the Circuit Court of Maryland for Prince George's County.

15. Pursuant to 28 U.S.C. § 1446(d), this Notice shall effect the removal and there shall be no further proceedings in the state court unless and until the case is remanded.

FERGUSON, SCHETELICH & BALLEW, P.A.

Dated: September 19, 2022

By: /s/ *Peter J. Basile*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2022, I electronically filed the foregoing (and attachments) with the Clerk of the Court and served on Plaintiffs' attorney Matthew D. Trollinger (who is registered in the CM/ECF system and assigned Federal Bar # 21255), and will mail a copy of this Notice of Removal, first-class mail, postage prepaid to Plaintiffs' attorney, at the below address:

Matthew D. Trollinger, Esq.
Trollinger Law, LLC
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Waldorf, Maryland 20603
(301) 965-8500 (t)

FERGUSON, SCHETELICH & BALLEW, P.A.

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